

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)

v.)

TOMMY LEE WELLS)

Date of Previous Judgment: 6/3/1994
(Use Date of Last Amended Judgment if Applicable)

Case No: 3:93CR00264-005

USM No: 10944-058

Pro-se

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 210 months **is reduced to** 168 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35

Amended Offense Level: 33

Criminal History Category: III

Criminal History Category: III

Previous Guideline Range: 210 to 262 months

Amended Guideline Range: 168 to 210 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): The defendant is also serving a concurrent sentence of 120 months in Count Four for a violation of 19 U.S.C. § 922(g).

III. ADDITIONAL COMMENTS

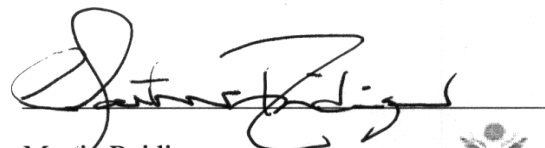
Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation

Except as provided above, all provisions of the judgment dated 6/3/1994 shall remain in effect.

IT IS SO ORDERED.

Order Date: May 20, 2009

Effective Date: _____
(if different from order date)


Martin Reidinger
United States District Judge

